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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,604	06/01/2001	Robert E. Callies	Lindsay 51	2262
7590	10/09/2003			
Joel H. Bock, COOK, ALEX, McFARRON, MANZO, CUMMINGS & MEHLER, LTD. 200 West Adams Street - Suite 2850 Chicago, IL 60606			EXAMINER HWU, DAVIS D	
			ART UNIT 3752	PAPER NUMBER 7

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/872,604

Applicant(s)

CALLIES ET AL.

Examiner

Davis Hwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-19 and 21-28 is/are rejected.
- 7) ☒ Claim(s) 10-12 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Applicant's amendment and remarks of September 8, 2003 are acknowledged and entered as paper number 6.
2. Applicant's remarks have been considered but are moot in view of the new ground(s) of rejection.
3. All of the appropriate 35 USC paragraphs can be found in the office action of June 4, 2003 and will not be repeated herein.

***Claim Rejections - 35 USC § 102***

4. Claims 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hane. The patent to Hane shows a distribution tube assembly for an irrigation system of the type having a main supply line 2, the distribution tube assembly comprising a distribution tube frame having a first conduit defining a first passage and a second conduit defining a second passageway, the first and second passageways being fluidly separate from each other throughout the frame (see Figure 7), the conduits being joined by a web, at least one of the first and second passageways being in fluid communication with the main supply line. Hane also shows an adapter 4 comprising a branch fitting as recited in claims 27 and 28.

***Claim Rejections - 35 USC § 103***

5. Claims 1-5, 7, 8, 13, 14, 16-19, 21, and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. in view of Hane. The patent to Shibata et al. discloses a distribution tube assembly for an irrigation system, the distribution tube assembly comprising an elongated frame with a first end, a

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second end, and at least two fluid passageways 3 and 4 defined therein to permit more than one fluid stream therethrough, at least one of the fluid passages being in fluid communication with the main supply line. Shibata et al. do not disclose a main supply line. The patent to Hane teaches a distribution tube assembly for an irrigation system having a main supply line for conveying fluid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a main supply line to the device of Shibata et al. as taught by Hane in order to convey fluid. Shibata et al. also disclose the first fluid passage 3 being at least twice as large as the second fluid passageway 4 as recited in claim 2 and the first fluid passageway being in fluid communication with the main supply line and the second fluid passageway being in fluid communication with an alternate supply line 6 as recited in claim 3. Hane also teaches an adapter 4 wherein the adapter is positioned at the first end of the distribution tube assembly as recited in claims 4 and 5 and the adapter is a branch fitting and the adapter has a plurality of bores as recited in claims 7 and 8. Shibata et al. and Hane do not disclose a third conduit as recited in claim 25, however, it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

6. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. in view of Hane as applied to claim 4 above, and further in view of Healy. The patents to Shibata et al. and Hane disclose the instant invention except for the adapter being positioned at the second end of the distribution assembly. The patent to Healy a hose adapter positioned at the end of a first hose 11 in order to connect another hose to the first hose to lengthen the hose assembly in which the adapter has at least

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one annular coupler as recited in claim 9. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have positioned an adapter at the second end of the distribution tube assembly as taught by Healy in order to extend the distribution tube.

7. Claims 15 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Shibata et al. in view of Hane as applied to claim 4 above, and further in view of Hoffman.

The patents to Shibata et al. and Hane disclose the instant invention except for the adapter having a valve therein. The patent to Hoffman teaches a hose coupling valve to regulate the flow of fluid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Shibata et al. and Hane by replacing the adapter with an adapter having a regulator valve as taught by Hoffman to control the flow of water to the passageways.

#### ***Allowable Subject Matter***

8. Claims 10-12 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Dunn, Drori, and McNab are pertinent to Applicant's invention.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663.

The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.

A handwritten signature in black ink, appearing to be 'Davis Hwu', with a stylized, cursive-like script.

Davis Hwu